

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

Barbara A. Bartoli and Edward M. McKenna, individually, and as Co-Executors of the Estate of Edward P. McKenna, deceased;

Leon Bevans, individually, and as Executor of the Estate of Marvin Bevans, deceased;

Michael N. Connors, individually, and as Executor of the Estate of Patricia A. Friend, deceased;

Carolyn Corcoran, individually, and as Executor of the Estate of James Corcoran, deceased;

Virginia Doktor, individually, and as Administrator of the Estate of James Doktor, deceased;

Thomas J. Elsasser, individually, and as Executor of the Estate of Jacqueline Elsasser, deceased;

Elizabeth V. Finnerty, individually, and as Executor of the Estate of James G. Finnerty, deceased;

Jeanne Galletta, individually, and as Executor of the Estate of John L. Galletta, deceased;

Minerva A. Garcia, individually, and as Executor of the Estate of Wilson Garcia, deceased;

June Gordon-Fenty, individually, and as Administrator of the Estate of Arthur Fenty, deceased;

1:03-md-01570-GBD-SN

Civil Docket Number: 1:24-cv-4715

**IRAN SHORT FORM
COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Carrie Hargrove-Erskine, individually, and as Administrator of the Estate of Rolando F. Erskine, deceased;

Sydonie Haye-Livermore, individually, and as Executor of the Estate of Donavan Livermore, deceased;

Robin Holland, individually, and as Administrator of the Estate of Edwin R. Holland, deceased;

Marjorie Lejda, individually, and as Executor of the Estate of Leon Lejda, deceased;

Diane Lutz, individually, and as Executor of the Estate of Kenneth M. Lutz, deceased;

Mercedes Muentes, individually, and as Executor of the Estate of Pablo Muentes, deceased;

Maryanne Ogden, individually, and as Administrator of the Estate of Jason G. Ogden, deceased;

Toni Palmieri and Debra Palmieri-Russo, individually and as Co-Executors of the Estate of Mary Valenti, deceased;

Anthony J. Perri, individually, and as Administrator of the Estate of Jamie Perri, deceased;

Verity Robertson, individually, and as Administrator of the Estate of Joy Robertson, deceased;

Irene Schiano, individually, and as Administrator of the Estate of Dominick A. Schiano, deceased;

Kelly Scott, individually, and as Administrator of the Estate of Eleanor Scott, deceased;

Margaree Stewart, individually, and as Administrator of the Estate of Geraldine White, deceased;

Yvette White, individually, and as Administrator of the Estate of Sheldon David White, deceased;

Wendy S. Wicks, individually, and as Administrator of the Estate of John Vierling, Jr., deceased,

Plaintiffs,

v.

Islamic Republic of Iran,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Islamic Republic of Iran (“Iran”), arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of October 28, 2019, ECF No. 5234. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Federal Insurance and Ashton Plaintiffs’ Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No. 3237, or (b) the Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV- 9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53.

Upon filing this Iran Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all causes of action contained within that complaint; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

Additionally, each Plaintiff incorporates the factual allegations and findings contained in those pleadings and orders filed at Havlish v. Bin Laden, No. 1:03-CV-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295; In re Terrorist Attacks on September 11, 2001, 03-MDL-1570 (GBD)(SN) (S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011 (ECF No. 2540).

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction against the Islamic Republic of Iran is premised on the grounds set forth in the complaints specified below, including but not limited to 28 U.S.C. § 1605(a) (tort exception to the Foreign Sovereign Immunities Act), 28 U.S.C. § 1605A (terrorism exception to the Foreign Sovereign Immunities Act), and 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act).

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates by reference all factual allegations, jurisdictional allegations, and jury trial demand, including all causes of action against the Islamic Republic of Iran, as set forth in the following complaint [**check only one complaint**]:

- Federal Insurance and Ashton Plaintiffs' Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No. 3237

- Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53

4. In addition, each Plaintiff hereby asserts the following additional causes of action:

- Iran Short Form Complaint First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

- Iran Short Form Complaint First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

IDENTIFICATION OF NEW PLAINTIFFS

5. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Iran Short Form Complaint, herein referred to as "Plaintiffs."

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Iran Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in the complaint identified above, as joined by this Iran Short Form Complaint, and as further asserted within this Iran Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Iran Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

6. The only Defendant named in this Iran Short Form Complaint is the Islamic Republic of Iran.

NO WAIVER OF OTHER CLAIMS

7. By filing this Iran Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

8. By filing this Iran Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

9. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Iran Short Form Complaint as appropriate.

Dated: June 20, 2024

Respectfully submitted,

/s/ Raymond C. Silverman
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APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Iran Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Iran Short Form Complaint, Allegation 2 of Appendix 1 to the Iran Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship / Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1.	Bartoli, Barbara A.	New York	United States	McKenna, Edward P.	Co-Executor; Daughter	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
2.	Bevans, Leon	New York	United States	Bevans, Marvin	Executor; Brother	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
3.	Connors, Michael N.	New York	United States	Friend, Patricia A.	Executor	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
4.	Corcoran, Carolyn	New Jersey	United States	Corcoran, James	Executor; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship / Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
5.	Doktor, Virginia	New York	United States	Doktor, James	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
6.	Elsasser, Thomas, J.	New York	United States	Elsasser, Jacqueline	Executor; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
7.	Finnerty, Elizabeth V.	New York	United States	Finnerty, James G.	Executor; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
8.	Galletta, Jeanne	New York	United States	Galletta, John, L.	Executor; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
9.	Garcia, Minerva, A.	New York	United States	Garcia, Wilson	Executor; Sister-in-Law	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
10.	Gordon-Fenty, June	New York	United States	Fenty, Arthur	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship / Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
11.	Hargrove-Erskine, Carrie	New York	United States	Erskine, Rolando F.	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
12.	Haye-Livermore, Sydonie	New York	United States	Livermore, Donavan	Executor; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
13.	Holland, Robin	New York	United States	Holland, Edwin R.	Administrator; Son	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
14.	Lejda, Marjorie	New Jersey	United States	Lejda, Leon	Executor; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
15.	Lutz, Diane	New York	United States	Lutz, Kenneth M.	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
16.	McKenna, Edward M.	New York	United States	McKenna, Edward P.	Co-Executor; Son	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship / Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
17.	Muentes, Mercedes	New York	United States	Muentes, Pablo	Executor; Spouse	Victim born in Panama-unsure of citizenship	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
18.	Ogden, Maryanne	New York	United States	Ogden, Jason G.	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
19.	Palmieri, Toni	New York	United States	Valenti, Mary	Co-Executor; Niece	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
20.	Palmieri-Russo, Debra	New York	United States	Valenti, Mary	Co-Executor; Niece	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
21.	Perri, Anthony J.	New York	United States	Perri, Jamie	Administrator; Son	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
22.	Robertson, Verity	New Jersey	United States	Robertson, Joy	Administrator; Spouse	Victim born in Guyana-unsure of citizenship	Wrongful Death/ Survival Action/ Solatium/ Personal Injury

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship / Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
23.	Schiano, Irene	New York	United States	Schiano, Dominick A.	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
24.	Scott, Kelly	New York	United States	Scott, Eleanor	Administrator; Daughter	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
25.	Stewart, Margaree	New York	United States	White, Geraldine	Administrator; Mother	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
26.	White, Yvette	New York	United States	White, Sheldon David	Administrator; Sister	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury
27.	Wicks, Wendy, S.	New York	United States	Vierling, Jr., John	Administrator; Spouse	United States	Wrongful Death/ Survival Action/ Solatium/ Personal Injury